



## **2003 California Judicial Administration Conference**

### **Judicial Branch Governance in Critical Times: *Challenges and Opportunities***

**Themes From CJAC Discussions**

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*Note: State and Local Challenges and Opportunities pages may be laid side by side for easier analysis.*

## **CJAC 2003**

### **Themes From CJAC: Explanation**

The information on the following pages is summarized from the facilitated conversations of ten breakout groups, each of which met on two different occasions during the California Judicial Administration Conference 2003. The conversations centered on judicial branch governance. Governance was noted as involving some statewide administrative practices and some local administrative practices.

Recorders in each breakout session documented ideas and concerns generated by participants as they discussed both answers to a series of questions and branchwide governance in general.

The ideas and concerns expressed by conference participants fell into four thematic areas: *governance issues, communications, culture and change, and operations*. To facilitate further conversation in local courts, the ideas and concerns have been organized, under these four themes, into challenges and opportunities at both the state and local court level.

**Not all comments made during discussions were captured fully in recorders' notes, and not every comment captured in the recorders' notes is repeated in the challenges and opportunities. Rather, the challenges and opportunities lists are intended to summarize comments that seemed to be mentioned in more than one group—no attempt has been made to give “weight” to the challenges and opportunities—they are equally presented for purposes of discussion.**

**The challenges and opportunities may not reflect everyone's views, but they are not intended to be minutes of the discussions; they are intended instead to assist in continuing discussions at the local level about the CJAC theme of “Branchwide Governance.”**

## CJAC 2003

### Introduction to Conference Notes

*The Judicial Council's Strategic Plan states that "the judiciary must exercise its inherent and statutory authority and responsibility to plan for, direct, monitor, and control the business of the judicial branch and must account to the public for the branch's performance." Judicial Branch Governance entails a combination of statewide practices, regional practices, and local practices.*

CJAC was designed as a dialogue—an opportunity for exchange between Judicial Council members, the Administrative Office of the Courts, advisory committee members, presiding judges, court executive officers, and others concerning the governance challenges and opportunities facing the judicial branch of California.

Early in the conversation, participants explored what *Thinking and Acting as a Branch—Vision to Reality* means locally and statewide. Based on a series of branchwide governance goals provided to conference participants, which included some illustrative ways to achieve those goals, and which is included in this package of information, discussion centered on the following questions:

- What kinds of *statewide practices* would facilitate achievement of the goals? What kinds of *local practices* would facilitate achievement of the goals?
- What are some *statewide factors* that would encourage development of a cohesive branchwide governance model? What are some barriers?
- What are some *local factors* that would encourage development of a cohesive branchwide governance model? What are some barriers?

The following day there was an emphasis on *Thinking and Acting as a Branch—Local Action for Branchwide Effectiveness*. Again, the conversation focused on three key questions:

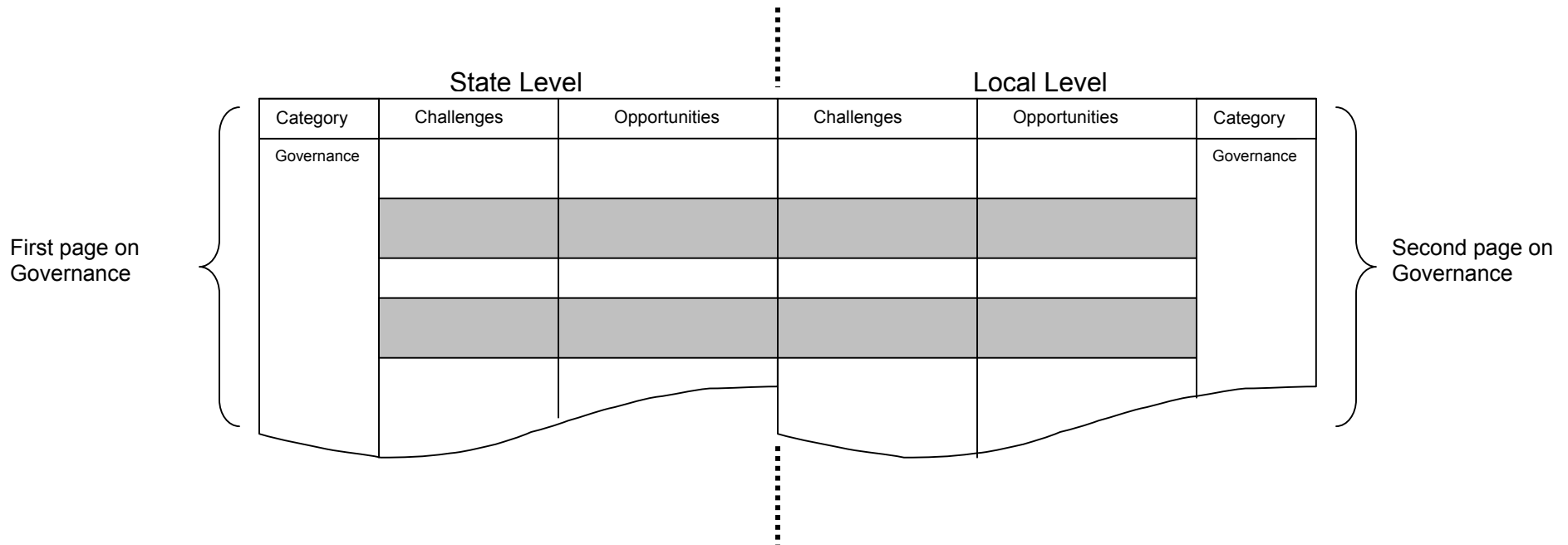
- How do we facilitate branchwide thinking while meeting local needs and respecting local cultures?
- What do administrative practices look like at the local level if we are “thinking and acting as a branch”?

- How do we continue this conversation with the judges and staff in our local courts?

We hope that you will continue the dialogue about branchwide governance in your local court and within your regions, keeping in mind that branchwide governance would include some practices that would be statewide and some practices that would be local.

## Format Explanation

The pages that follow are organized into four categories: **governance, communication, culture and change, and operations**. Challenges and opportunities in each of these four areas are explored at the state level (one page) and at the local level (one page). The pages stand alone, or, if you prefer, you can align the state and local pages in each category to get a broader view of challenges and opportunities in the respective category and how related issues have challenges and opportunities at both the state and local level. The shaded areas are to assist in reading across the span of the two aligned pages. The following is an illustration of aligning the state page and the local page on “governance.” Similar alignments can be made for the state page and local page on “communication,” “culture and change,” and “operations.”



## State Level

Category	Challenges	Opportunities
<b>Governance</b>	<ul style="list-style-type: none"> <li>Designing a governance model that clearly articulates what should be consistent statewide (e.g., accounting system; labor negotiations) and what is best determined locally (e.g., purchasing; hiring)</li> </ul>	<ul style="list-style-type: none"> <li>Creating a governance model that deals with the unique nature of California: its branchwide and local court needs</li> </ul>
	<ul style="list-style-type: none"> <li>Designing systems that provide statewide models and yet allow local modification if necessary: performance measures, staffing standards, other</li> </ul>	<ul style="list-style-type: none"> <li>Promoting and sharing best practices among all courts</li> </ul>
	<ul style="list-style-type: none"> <li>Balancing strong, effective statewide governance with historically strong local governance</li> </ul>	<ul style="list-style-type: none"> <li>Building credibility with other branches of state government</li> </ul>
	<ul style="list-style-type: none"> <li>Getting local judges and staff to have an interest in statewide issues</li> </ul>	<ul style="list-style-type: none"> <li>Building cohesion across the branch</li> </ul>
	<ul style="list-style-type: none"> <li>Meeting local court expectations regarding statewide services during a budget shortfall</li> </ul>	<ul style="list-style-type: none"> <li>Deploying resources to effectively enable local courts to meet many of their needs</li> </ul>
	<ul style="list-style-type: none"> <li>Defining emerging roles, responsibilities, and terms of accountability for the AOC</li> </ul>	<ul style="list-style-type: none"> <li>Building trust and managing expectations</li> </ul>
	<ul style="list-style-type: none"> <li>Bridging the Council's Strategic and Operational Plans and local court strategic plans</li> </ul>	<ul style="list-style-type: none"> <li>Focusing the use of limited resources toward shared goals</li> </ul>
	<ul style="list-style-type: none"> <li>Building equity among courts (e.g., financial base, staffing ratios)</li> </ul>	<ul style="list-style-type: none"> <li>Reducing competition among local courts</li> </ul>
	<ul style="list-style-type: none"> <li>Enabling courts to share information branchwide; building the technology in a timely manner</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring integrity of data, timeliness of data gathering, and consistent measures</li> </ul>
	<ul style="list-style-type: none"> <li>Facilitating continuity in local leadership</li> </ul>	<ul style="list-style-type: none"> <li>Maintaining institutional memory and institutional resources</li> </ul>

## Local Level

Challenges	Opportunities	Category
<ul style="list-style-type: none"> <li>Working within decisions best made at the state level while still meeting unique local needs</li> </ul>	<ul style="list-style-type: none"> <li>Potentially gaining advantages of economies of scale, most effective practices, and possibly minimizing work at the local level</li> </ul>	Governance
<ul style="list-style-type: none"> <li>Differentiating between true local needs and local tradition</li> </ul>	<ul style="list-style-type: none"> <li>Examining local practices and determining what is most effective</li> </ul>	
<ul style="list-style-type: none"> <li>Balancing historically strong local governance with the need for statewide governance</li> </ul>	<ul style="list-style-type: none"> <li>Enhancing credibility with the public and with other branches of government</li> </ul>	
<ul style="list-style-type: none"> <li>Effectively engaging local judges and staff in recognition of their statewide connection</li> </ul>	<ul style="list-style-type: none"> <li>Building cohesion in the branch; gaining credibility of other branches of government</li> </ul>	
<ul style="list-style-type: none"> <li>Articulating expectations of “full service” from the AOC versus a need for AOC “facilitation” to enable a local court to achieve a goal</li> </ul>	<ul style="list-style-type: none"> <li>Minimizing misunderstandings and eliminating possible ineffective use of resources at the state level</li> </ul>	
<ul style="list-style-type: none"> <li>Defining emerging roles, responsibilities, and terms of accountability at the local level</li> </ul>	<ul style="list-style-type: none"> <li>Strengthening the effectiveness of local court operations</li> </ul>	
<ul style="list-style-type: none"> <li>Aligning local court strategic plans with statewide issues outlined in the Judicial Council’s Strategic and Operational Plans</li> </ul>	<ul style="list-style-type: none"> <li>Using limited resources to achieve shared/common goals</li> </ul>	
<ul style="list-style-type: none"> <li>Ensuring effective fiscal management and accountability if funding is equalized among courts</li> </ul>	<ul style="list-style-type: none"> <li>Obtaining equal footing for resources</li> </ul>	
<ul style="list-style-type: none"> <li>Using or realigning to use in state-based technology</li> </ul>	<ul style="list-style-type: none"> <li>Simplifying data gathering, sharing of data and forms</li> </ul>	
<ul style="list-style-type: none"> <li>Facilitating an effective transition of leadership at the local level</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring the continued growth and evolution of the local court</li> </ul>	



## State Level

Category	Challenges	Opportunities
<b>Communication</b>	<ul style="list-style-type: none"> <li>Providing forums for meaningful two-way exchange of information and communication between the Judicial Council, the AOC, and the local courts</li> </ul>	<ul style="list-style-type: none"> <li>Building trust in the branch through use of regional offices as forum for dialogue</li> <li>Enhancing AOC understanding of court operations (court internship/shadowing programs, etc.)</li> </ul>
	<ul style="list-style-type: none"> <li>Making vision of branchwide governance clear to courts; sharing ownership of direction</li> </ul>	<ul style="list-style-type: none"> <li>Building trust and cohesion in moving toward a new model of branchwide governance</li> </ul>
	<ul style="list-style-type: none"> <li>Maintaining an on-going conversation with the local courts and, thus, establishing a clearer understanding of local needs and issues</li> </ul>	<ul style="list-style-type: none"> <li>Using conferences (CJAC for PJs and Court Executives; a statewide conference open to all judges), Advisory Committees, and regional offices to continue conversations over time</li> </ul>
	<ul style="list-style-type: none"> <li>Providing timely information to local courts regarding changes in project status or direction; consolidating information sent to the courts</li> </ul>	<ul style="list-style-type: none"> <li>Using technology more effectively for information dissemination (Serranus, broadcasting, e-mail)</li> </ul>
	<ul style="list-style-type: none"> <li>Educating 1611 judges about administrative issues they feel may not have a direct impact on their work</li> </ul>	<ul style="list-style-type: none"> <li>Using existing educational forums (new judge education) to broaden judicial understanding of administrative functions and operations</li> </ul>
	<ul style="list-style-type: none"> <li>Educating 1611 judges and 18,000 local court staff about statewide judicial branch issues (moving beyond the Presiding Judge and Court Executive Officer level)</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring branchwide understanding of the accountability of the branch</li> </ul>
	<ul style="list-style-type: none"> <li>Educating the public about branchwide issues (e.g., repercussions of budget shortfall)</li> </ul>	<ul style="list-style-type: none"> <li>Building public trust and confidence (e.g., statewide response to budget shortfall)</li> </ul>
	<ul style="list-style-type: none"> <li>Sharing information that is meaningful at the local level without creating information overload</li> </ul>	<ul style="list-style-type: none"> <li>Engaging local courts in statewide issues in a timely manner (surveys, regional meetings, etc.)</li> </ul>

## Local Level

Challenges	Opportunities	Category
<ul style="list-style-type: none"> <li>Engaging in a meaningful exchange of ideas at the state level</li> </ul>	<ul style="list-style-type: none"> <li>Having a voice in shaping the judicial branch</li> </ul>	Communication
<ul style="list-style-type: none"> <li>Maintaining an on-going conversation with those at the state level regarding branchwide governance</li> </ul>	<ul style="list-style-type: none"> <li>Staying informed and sharing ideas that could assist the branch</li> </ul>	
<ul style="list-style-type: none"> <li>Maintaining an on-going conversation with those at the local level about statewide branch issues</li> </ul>	<ul style="list-style-type: none"> <li>Keeping local courts involved over time (e.g., using retreats to foster conversation, engagement)</li> </ul>	
<ul style="list-style-type: none"> <li>Using information provided to facilitate local discussion and decision making</li> </ul>	<ul style="list-style-type: none"> <li>Establishing a communication link for individuals in the courts to hear about state issues and to provide ideas in a timely manner</li> </ul>	
<ul style="list-style-type: none"> <li>Educating local judges about administrative issues that have branchwide implications</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring that judges have the full picture of the branch, and thus are not bound only by the courtroom</li> </ul>	
<ul style="list-style-type: none"> <li>Educating local judges and court staff about statewide issues</li> </ul>	<ul style="list-style-type: none"> <li>Linking training and education to real branchwide issues</li> </ul>	
<ul style="list-style-type: none"> <li>Educating the public about branchwide issues to minimize perception that local decisions are impacting service (e.g., budget shortfall)</li> </ul>	<ul style="list-style-type: none"> <li>Using statewide basis/approach as reason for making hard administrative decisions (e.g., reduction in courthouse hours, etc.)</li> </ul>	
<ul style="list-style-type: none"> <li>Helping determine what kind of information is shared and how information is best disseminated to the courts</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring that what is shared and how it is shared is meaningful to the local courts</li> </ul>	

## State Level

Category	Challenges	Opportunities
<b>Culture and Change</b>	<ul style="list-style-type: none"> <li>Balancing accountability to local community and accountability to branch</li> </ul>	<ul style="list-style-type: none"> <li>Encouraging development of community-based strategic planning</li> </ul>
	<ul style="list-style-type: none"> <li>Shifting focus for credibility from local culture to branchwide culture</li> </ul>	<ul style="list-style-type: none"> <li>Offering regional and statewide opportunities for information exchange and development</li> </ul>
	<ul style="list-style-type: none"> <li>Balancing judicial perspective of role               <ul style="list-style-type: none"> <li>Independence in courtroom decisions</li> <li>Interdependence and collaboration in administrative areas</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Communicating with all judicial officers concerning issues of judicial independence and governance</li> </ul>
	<ul style="list-style-type: none"> <li>Overcoming uncertainty of developing new ways to approach administrative issues</li> </ul>	<ul style="list-style-type: none"> <li>Generating educational opportunities and tools for use throughout the branch</li> </ul>
	<ul style="list-style-type: none"> <li>Honoring local legal culture during shift to some statewide practices</li> </ul>	<ul style="list-style-type: none"> <li>Providing consistency in many court practices for attorneys across counties</li> </ul>
	<ul style="list-style-type: none"> <li>Maintaining perception of local community connection while adhering to some statewide approaches</li> </ul>	<ul style="list-style-type: none"> <li>Using existing community outreach systems to educate the community about the need for some statewide practices</li> </ul>
	<ul style="list-style-type: none"> <li>Recognizing that electing judges locally may create a public perception that the primary responsibility is to the local community</li> </ul>	<ul style="list-style-type: none"> <li>Using existing community outreach systems to educate the community of benefits of statewide involvement</li> </ul>

## Local Level

Challenges	Opportunities	Category
<ul style="list-style-type: none"> <li>Balancing accountability to local community and accountability to branch</li> </ul>	<ul style="list-style-type: none"> <li>Building on community-based strategic planning</li> </ul>	<b>Culture and Change</b>
<ul style="list-style-type: none"> <li>Shifting focus for credibility from local culture to branchwide culture</li> </ul>	<ul style="list-style-type: none"> <li>Participating in regional and statewide committees to provide input</li> </ul>	
<ul style="list-style-type: none"> <li>Balancing judicial perspective of role                             <ul style="list-style-type: none"> <li>Independence in courtroom decisions</li> <li>Interdependence and collaboration in administrative areas</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Providing local education and forums of discussion of judicial branch independence and its implications                             <ul style="list-style-type: none"> <li>Independence in courtroom decisions</li> <li>Interdependence and collaboration in administrative areas</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>Overcoming uncertainty of developing new ways to approach administrative issues</li> </ul>	<ul style="list-style-type: none"> <li>Engaging in the development of new approaches to local and statewide administrative issues</li> </ul>	
<ul style="list-style-type: none"> <li>Honoring local legal culture during shift to some statewide practices</li> </ul>	<ul style="list-style-type: none"> <li>Providing consistency in many court practices for attorneys across counties and regions</li> </ul>	
<ul style="list-style-type: none"> <li>Maintaining perception of local community connection while adhering to some statewide approaches</li> </ul>	<ul style="list-style-type: none"> <li>Using existing community outreach systems to educate the community about the need for some statewide practices</li> </ul>	
<ul style="list-style-type: none"> <li>Engaging locally clerks and judges in branchwide issues</li> </ul>	<ul style="list-style-type: none"> <li>Assuring local input in branchwide issues</li> </ul>	

## State Level

Category	Challenges	Opportunities
Operations	<ul style="list-style-type: none"> <li>Using state-based models in unique local situations</li> </ul>	<ul style="list-style-type: none"> <li>key administrative functions</li> </ul>
	<ul style="list-style-type: none"> <li>Implementing branchwide data collection and case management systems</li> </ul>	<ul style="list-style-type: none"> <li>Standardizing branch data collection and case management systems for greater accountability</li> </ul>
	<ul style="list-style-type: none"> <li>systems</li> </ul>	<ul style="list-style-type: none"> <li>Developing statewide service models for judicial branch/court employees including: <ul style="list-style-type: none"> <li>Labor relations and negotiations</li> <li>Succession planning</li> <li>Staffing standards</li> <li>Employee benefits packages</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>Implementing branchwide fiscal systems</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring equity in funding support based on caseload, staffing, and position requirements</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>Assessing and evaluating statewide needs and capacities for modernization of all facilities and court functions</li> </ul>
	<ul style="list-style-type: none"> <li>Creating branchwide security options and models</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring safety and security for court personnel and users at reasonable and equitable cost</li> </ul>

## Local Level

Challenges	Opportunities	Category
<ul style="list-style-type: none"> <li>Using state-based models in unique local situations</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring ability to remain responsive to local situations while providing measurable data on a statewide basis</li> </ul>	Operations
<ul style="list-style-type: none"> <li>Implementing data collection and case management systems that may be new to the county</li> </ul>	<ul style="list-style-type: none"> <li>Facilitating achievement of equitable funding through generating accurate data for decision making</li> <li>Contributing to local and statewide accountability requirements</li> </ul>	
<ul style="list-style-type: none"> <li>Managing a human resource system for court employees</li> </ul>	<ul style="list-style-type: none"> <li>Adapting and utilizing state-based service models while maintaining management of local personnel systems including: <ul style="list-style-type: none"> <li>Hiring</li> <li>Performance management</li> <li>Planning for future leadership and staffing</li> <li>Securing adequate staffing</li> <li>Managing employee benefits packages</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>Implementing a new fiscal and accounting system</li> </ul>	<ul style="list-style-type: none"> <li>Facilitating equity in funding and ensuring accountability for fiscal operations</li> </ul>	
<ul style="list-style-type: none"> <li>Managing local court facilities</li> </ul>	<ul style="list-style-type: none"> <li>Creating an environment that supports local court operations and community needs</li> </ul>	
<ul style="list-style-type: none"> <li>Providing court security</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring a safe court environment for court personnel and court users</li> </ul>	